



655.00875  
Index 899  
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: )  
STEPHEN MEMORY ET AL ) HEAT EXCHANGER  
Serial No. 09/778,310 ) Group Art Unit 3743  
Filed February 7, 2001 ) Examiner Nihir B. Patel

COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE

Mail Stop Issue Fee  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to the Examiner's Statement of Reasons for Allowance attached to the Notice of Allowance dated December 2, 2005, Applicants provide the following comments.

---

37 CFR 1.8  
CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Issue Fee, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on December 27, 2004.

Signature: Karen A. Sanderson

Name: Karen A. Sanderson

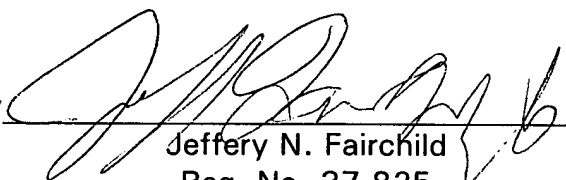
## **R E M A R K S**

The Examiner's Statement of Reasons for Allowance appears to be a summarization of the language of claim 18. Applicants wish to expressly state that, to the extent that this language is inconsistent with what is actually recited in claim 18, it is Applicants' understanding that the claims have been allowed based on the language contained in the actual claims, and not on paraphrased language contained in the Examiner's Statement of Reasons for Allowance. Furthermore, claims 20, 29 and 34 are independent claims and are not in any way dependent upon or limited to the language of claim 18. These claims were argued on their own merits and have been allowed based on their own merits. Under no circumstances should any of the limitations of claim 18 be read into these separate independent claims or any of the claims that depend therefrom. The issue fee is being paid concurrently herewith and with the understanding that each of the claims were allowed upon their own merits based upon the language recited in each specific claim, with no reliance on language or limitations recited in other independent claims. If the Examiner disagrees in any way with this, it is specifically requested that the Examiner contact the undersigned as soon as possible so that the misunderstanding can be corrected. Absent such notification, each of the claims should be considered as being allowed upon their own

merits based on the specific language in each claim without reference to other language or limitations contained in other claims.

Respectfully submitted,

WOOD, PHILLIPS, KATZ,  
CLARK & MORTIMER

By   
Jeffery N. Fairchild  
Reg. No. 37,825

December 27, 2004

500 West Madison Street  
Suite 3800  
Chicago, IL 60661-2511  
(312) 876-1800